

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE	:	CHAPTER 13
	:	
ROBERT DALE BROOKSHIRE and	:	CASE NO. 14-41156-PWB
BETTY LORRAINE BROOKSHIRE,	:	
	:	
Debtors.	:	
	:	
_____	:	_____
WELLS FARGO BANK, N.A. DBA	:	
WELLS FARGO AUTO FINANCE,	:	
	:	
Movant,	:	
	:	
v.	:	CONTESTED MATTER
	:	
ROBERT DALE BROOKSHIRE and	:	
BETTY LORRAINE BROOKSHIRE,	:	
Debtor; JESSICA MEGAN	:	
BROOKSHIRE, Codebtor; and MARY	:	
IDA TOWNSON, Trustee,	:	
	:	
Respondents.	:	

NOTICE OF HEARING

PLEASE TAKE NOTICE that **Wells Fargo Bank, N.A. dba Wells Fargo Auto Finance** has filed a Motion for Relief from Automatic Stay and Codebtor Stay and related papers with the Court seeking an order of relief from the Automatic Stay and Codebtor Stay.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion for Relief from Automatic Stay and Codebtor stay, in Courtroom 342, The Federal Building, 600 East First Street, Rome, Georgia at 10:15am on January 7, 2015.

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in these pleadings, or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address for the

Clerk's Office is: Clerk, United States Bankruptcy Court, Room 339, Federal Building, 600 East First Street, Rome, Georgia 30161-3187. You must also mail a copy of your response to the undersigned at the address stated below.

IF THE MOTION IS FOR RELIEF FROM STAY, and a hearing on the motion for relief from the automatic stay cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the motion and agrees to a hearing on the earliest possible date. Movant consent to the automatic stay remaining in effect until the Court orders otherwise.

Dated: December 2, 2014

Signature: /s/Philip L. Rubin

Philip L. Rubin
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Bar Number 618525

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MOTION FOR RELIEF FROM AUTOMATIC STAY AND CODEBTOR STAY

NOW COMES WELLS FARGO BANK, N.A. DBA WELLS FARGO AUTO FINANCE (the "Movant") and moves this Court for relief from the automatic stay and Codebtor Stay and shows the Court as follows:

1.

On May 12, 2014, Robert Dale Brookshire and Betty Lorraine Brookshire ("Debtors") filed a Voluntary Petition pursuant to 11 U.S.C. Chapter 13, and said case is pending before this Court.

2.

Movant has a claim in this case secured by a first priority lien against Debtors' vehicle, to wit: 2013 Jeep Patriot Sport (the "Collateral"). The Collateral is jointly titled in the name of the nonfiling cosigner, Jessica Megan Brookshire (the "Codebtor"), who is jointly obligated to

Movant on the loan secured thereby. The approximate payoff is \$16,792.28. The account is delinquent \$959.24 and due for the September 26, 2014, payment and all subsequent payments.

3.

The Codebtor was to make direct payments to the Movant, according to Debtors' plan.

4.

Relief from Codebtor Stay is appropriate pursuant to U.S.C. Section 1301.

5.

Debtors do not have an equity in the Collateral and the Collateral is not necessary to a reorganization that is in prospect.

6.

Cause exists including the lack of adequate protection to grant Movant relief from the automatic stay so as to authorize Movant to recover and dispose of the Collateral. Movant requests the right to file an amended proof of claim after liquidation of the Collateral.

7.

Movant requests that Bankruptcy Rule 4001(a)(3) be waived.

WHEREFORE, Movant prays that this Court:

(a) Hold a hearing pursuant to this Motion within thirty (30) days as is required under 11 U.S.C. Section 362(e);

(b) Grant Movant relief from the automatic stay under 11 U.S.C. Section 362(d) and Codebtor Stay under 11 U.S.C. Section 1301 so as to allow Movant to recover and dispose of the Collateral and to apply the net proceeds generated therefrom to its claim in this case, and if the disposition results in a deficiency, amend its claim filed in this case, subject to objection and proceed with collection against the nonfiling Codebtor;

(c) Rule 4001(a)(3) be waived;

(d) Award Movant attorney fees for the cost associated with the filing of the Motion for Relief; and

(e) Grant such other and further relief as the Court deems to be just and proper.

This December 2, 2014.

The Law Office of
LEFKOFF, RUBIN, GLEASON & RUSSO, P.C.
Attorneys for Movant

By: /s/Philip L. Rubin
Philip L. Rubin
Georgia State Bar No. 618525

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CERTIFICATE OF SERVICE

The undersigned, Philip L. Rubin, hereby certifies that I am, and at all times hereinafter mentioned, was more than 18 years of age, and that I served a copy of the MOTION FOR RELIEF FROM STAY AND CODEBTOR STAY and NOTICE OF ASSIGNMENT OF HEARING on the following by depositing same in the United States Mail in properly addressed envelopes with adequate postage to:

Robert Dale Brookshire
Betty Lorraine Brookshire
250 New Hope Road
Chatsworth, GA 30705

Jessica Megan Brookshire
250 New Hope Road
Chatsworth, GA 30705

Chris Rampley
P.O. Box 927
Rome, GA 30162-0927

Mary Ida Townson
Chapter 13 Trustee
191 Peachtree Street NE
Suite 2200
Atlanta, GA 30303

This December 2, 2014.

The Law Office of
LEFKOFF, RUBIN, GLEASON & RUSSO, P.C.
Attorneys for Movant

By: /s/Philip L. Rubin
Philip L. Rubin
Georgia State Bar No. 618525

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